

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed May 16, 2006. Claims 1-9 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-9. The present Response amends claims 1-9, leaving for the Examiner's present consideration claims 1-9. Reconsideration of the rejections is requested.

I. OBJECTION TO THE SPECIFICATION

The Examiner objected to the Specification for the following reason: the cross reference to related application is missing U.S. Patent Application Numbers. The Reply amends the Specification to cure this defect, and therefore Applicant requests that the objection be removed.

II. REJECTION UNDER 35 U.S.C. §102(B) OVER *HOSKINS* (US PAT. 6,789,132 B2)

Claims 1-3, 5 and 9

The Examiner rejected claims 1-3, 5 and 9 under 35 U.S.C. §102(b) as being anticipated by *Hoskins*. Applicant respectfully traverses the rejection.

In the Office Action, the Examiner writes that regarding claim 1 “*Hoskins* teaches a system for providing critical data in a hard drive, comprising...a rotatable medium capable of storing information...and a control mechanism...configured to: receive a signal indicating a critical event has occurred (column 7, lines 54-63); receive critical data read from the rotatable medium by the read element (column 7, lines 7-9; column 30, lines 1-5); receive a critical data request signal from the host device (column 11, lines 46-53); and provide the critical data to the host device (column 6, lines 8-14).” See OA, page 2, item 1. However, *Hoskins* fails to disclose a control mechanism configured to “associate the event with a portion of information written to the rotatable medium...determine whether the portion of the information matches the information request” as recited in claim 1.

Hoskins discloses a system and method including, for example, “non-preemptive operating modules...preferably composed of microprocessor executable code operable to control a process within the data storage device controller. A scheduler for scheduling the order in which the microprocessor executes the non-preemptive operating modules...a number of preemptive operating modules, each of which is preferably composed of microprocessor executable code and each of which is capable of control a process within the data storage device controller are also included. The preemptive operating modules preferably preempt the operation of the scheduler and the cooperative operating modules in the data storage device.” See col. 3, lines 18-30. *Hoskins* discloses systems and methods for controlling a priority and order of instructions for

controlling processes within the data storage device controller. In contrast, the present invention recites predictively retrieving information from a rotatable medium for storage in volatile or non-volatile solid state memory for improving a speed of execution of information requests. ("In one embodiment, the target sectors are determined to be the same sectors called after a similar previous critical event was detected. In another embodiment, the target sector may be determined to be the most often requested sectors after a number of previous critical events were detected.") See paragraph [0025]. *Hoskins* does not disclose predictively retrieving information from a rotatable medium.

Because *Hoskins* fails to disclose a control mechanism configured to "associate the event with a portion of information written to the rotatable medium...determine whether the portion of the information matches the information request" as recited in claim 1, *Hoskins* cannot anticipate claim 1 under 35 U.S.C. §102(b). Dependent claims have at least the features of the claims from which they depend. Claims 2, 3, 5 and 9 depend from claim 1, therefore *Hoskins* cannot anticipate claims 2, 3, 5 and 9 under 35 U.S.C. §102(b).

III. REJECTION UNDER 35 U.S.C. §103(A) OVER *HOSKINS* IN VIEW OF *SUKEGAWA* (US PAT. 5,860,083)

Claims 4 and 6

The Examiner rejected claims 4 and 6 under 35 U.S.C. §103(a) as being unpatentable over *Hoskins* in view of *Sukegawa*. Applicant respectfully traverses the rejection.

In the Office Action, the Examiner writes that regarding claim 4 "*Hoskins* teaches the limitations of these claims as set forth for claims 1-3 and 5, above. However, *Hoskins* does not teach a flash memory that contains data." See page 5, item 2. For the reasons given above in Section II, *Hoskins* fails to teach or suggest a control mechanism configured to "associate the event with a portion of information written to the rotatable medium...determine whether the portion of the information matches the information request" as recited in claim 1.

Sukegawa fails to remedy this deficiency. Referring to the Abstract, *Sukegawa* teaches a "flash memory unit...logically divided into a permanent storage area, a non-volatile cache area, which are used as cache memory areas of the HDD, and a high-speed access area....The permanent storage area stores data which is used frequently for a relatively long time period. The non-volatile cache area is used as an ordinary cache memory area in which data, which is updated relatively frequently, is stored. The high-speed access area is a storage area to be used by, e.g. an operating system (OS) of a host system. For example, a swap file, which needs to be accessed at high speed, is shifted into the high-speed access area." Referring to claim 1, *Sukegawa* teaches a plurality of storage areas assigned to predetermined functions. However, *Sukegawa* fails to disclose a

control mechanism configured to “associate the event with a portion of information written to the rotatable medium...determine whether the portion of the information matches the information request” as recited in claim 1.

Because *Hoskins* in view of *Sukegawa* fails to disclose a control mechanism configured to “associate the event with a portion of information written to the rotatable medium...determine whether the portion of the information matches the information request” as recited in claim 1, *Hoskins* in view of *Sukegawa* cannot render claim 1 unpatentable under 35 U.S.C. §103(a). Dependent claims have at least the features of the claims from which they depend. Claims 4 and 6 depends from claim 1, therefore *Hoskins* in view of *Sukegawa* cannot render claims 4 and 6 unpatentable under 35 U.S.C. §103(a).

IV. REJECTION UNDER 35 U.S.C. §103(A) OVER *HOSKINS* IN VIEW OF *SUKEGAWA* IN FURTHER VIEW OF *FREIMUTH ET AL.* (U.S. PAT. NO. 6,789,132 B2)

Claims 7 and 8

The Examiner rejected claims 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over *Hoskins* in view of *Sukegawa*, in further view of *Freimuth*. Applicant respectfully traverses the rejection.

In the Office Action, the Examiner writes that regarding claims 7 and 8 “*Hoskins* in view of *Sukegawa* teach the limitations of these claims as set forth for claims 1, 5 and 6, above. However, *Hoskins* in view of *Sukegawa* do not teach identifying the critical data to be most recent data or most often used data.” See OA, pages 5-6, item 3. For the reasons given above in Section III, *Hoskins* in view of *Sukegawa* fails to teach or suggest a control mechanism configured to “associate the event with a portion of information written to the rotatable medium...determine whether the portion of the information matches the information request” as recited in claim 1. *Freimuth* fails to remedy this deficiency. Referring to the Summary, *Freimuth* teaches a method, system, and instructions wherein “determination is made as to whether the data object is stored in a memory in the communication adapter in response to receiving the request. The data object is transferred from the memory to a receiver of the data object through the communication adapter in which transfer of the data across a bus connecting the communication adapter to the data processing system is unnecessary in response to the data object being present in the memory.” Nowhere does *Freimuth* teach or suggest a control mechanism configured to “associate the event with a portion of information written to the rotatable medium...determine whether the portion of the information matches the information request” as recited in claim 1.

Because *Hoskins* in view of *Sukegawa* in further view of *Freimuth* fails to disclose a control mechanism configured to “associate the event with a portion of information written to the rotatable medium...determine whether the portion of the information matches the information request” as recited in

claim 1, *Hoskins* in view of *Sukegawa* in further view of *Freirmuth* cannot render claim 1 unpatentable under 35 U.S.C. §103(a). Dependent claims have at least the features of the claims from which they depend. Claims 7 and 8 depends from claim 1, therefore *Hoskins* in view of *Sukegawa* in further view of *Freirmuth* cannot render claims 7 and 8 unpatentable under 35 U.S.C. §103(a).


V. CONCLUSION

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 8/9/06

By: 
Michael L. Robbins
Reg. No. 54,774

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800